

### Remarks

Applicant has carefully reviewed the office action dated September 3, 2009. Applicant has amended claim 76 and cancelled claims 107-116. Accordingly, taking into consideration previously cancelled claims, claims 1-6, 8-18, 20, 21, 76-93, and 96-106 are in the case.

### Specification

The disclosure was objected to because the phrase “in answer” in page 5, line 7 of the original specification should apparently be “an answer.” Applicant disagrees and affirmatively states that the phrase “in answer” is correct. The word “answer” is correctly used as verb in this sentence.

### Double Patenting

Claims 1-6, 8-18, 20, 21, 76-93 and 96-116 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting over certain claims of copending Application No. 11/092,120. Applicant herewith submits a terminal disclaimer in compliance with 37 CFR 1.321. As part of the terminal disclaimer, a Statement under 37 3.73(b) along with an assignment is filed herewith.

### Claim Rejections – 35 USC Section 112

Claims 76-93 and 107-116 are rejected under Section 112 second paragraph as being indefinite for failing to particularly point out the distinctly claim the subject matter. Claims 76 and 107 lacked antecedent basis. Claims 77-93 and 108-116 were rejected by virtue of their dependency from claims 76 and 107 respectively.

Claim 76 has been amended to provide antecedent basis and claims 107-116 have been

cancelled.

Claim Rejections – 35 USC Section 103

Claims 107-116 stand rejected under Section 103 for obviousness. Claims 107-116 have been rejected.

Conclusion

Applicant respectfully submits that claims 1-6, 8-18, 20, 21, 76-93, and 96-106 are in condition for allowance and Applicant earnestly requests that they be allowed.

DATED this ~~24~~<sup>12</sup><sup>th</sup> day of November, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David B. Fonda', followed by a long horizontal line.

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